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June 29, 2004

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
c/o Vistrionix, Inc.
236 Massachusetts Avenue, N.E., Suite 110
Washington, D.C. 20002

Re: ***Ex Parte Memorandum regarding Facilitation of Widespread Deployment of
and Access to Wireless Services***
WT Docket Nos. 02-381, 01-14, 03-202, and 03-264.

Dear Ms. Dortch:

In both the Rural Wireless Initiative¹ and Biennial Regulatory Review² proceedings, many commenters expressed their opinions that increased flexibility for base station output power would help facilitate widespread deployment of and access to wireless services.

For instance, if the Commission approves increased base station EIRP levels, carriers may extend coverage in rural areas by using higher gain antennas rather than by constructing additional base stations. This would provide a substantial economic incentive for carriers to extend coverage further in rural areas.

Rural subscribers in the PCS band can be served by a number of technologies. Therefore, each technology would benefit from an increased EIRP.

Nonetheless, one commenter in the Biennial Regulatory Review proceeding has suggested applying EIRP on a per MHz basis as a means to achieve technological neutrality. Unfortunately, its proposal would actually have the opposite effect of technological neutrality

¹ In the Matter of Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies To Provide Spectrum-Based Services; 2000 Biennial Regulatory Review Spectrum Aggregation Limits; Increasing Flexibility to Promote Access to and the Efficient and Intensive Use of Spectrum and the Widespread Deployment of Wireless Services, and to Facilitate Capital Formation, WT Docket Nos. 02-381, 01-14, and 03-202.

² In the Matter of Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket No. 03-264.

Marlene H. Dortch, Secretary

June 29, 2004

Page 2 of 2

since the proposal would reduce the permitted EIRP of narrowband technologies to below the current value of 1640W.

The negative impact to existing and future systems and the industry that supports narrowband technologies would be substantial. In addition, adopting this proposal would create an environment in which only wideband technologies are allowed higher EIRPs. Certainly such a proposal could be seen as anti-competitive and not technology-neutral. Selectively increasing EIRP only for certain technologies would, in effect, allow regulators to select which technologies should serve rural customers, not the marketplace.

Ericsson is a supplier of all the various technologies in the PCS band and supports a tiered approach with an increased EIRP for all technologies:

- 6560 watts/MHz EIRP per carrier for carriers greater than 1 MHz; and
- 6560 watts EIRP per carrier for carriers 1 MHz or less

Such an approach would ensure that all technologies can continue to compete on equal footing as they have in the past. Also, all technologies would benefit from an increase in the base station EIRP of 1640W per carrier to 4x that limit. In Ericsson's view, this proposal actually achieves technological neutrality.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

s/ Elisabeth H. Ross
Elisabeth H. Ross
Attorney for Ericsson Inc

s/ Mark Racek
Mark Racek
Director, Spectrum Policy
Ericsson Inc

cc: Jennifer Manner, Senior Counsel, Commissioner Abernathy
Sam Feder, Legal Advisor on Spectrum and International Issues, Commissioner Martin
Barry Ohlson, Senior Legal Advisor for Spectrum and International Issues, Commissioner Adelstein
John Muleta, Chief, Wireless Telecommunications Bureau